

## **TENTATIVE RULINGS**

**FOR: January 24, 2012**

Please note that the court will strictly enforce filing deadlines for papers filed in support of and in opposition to law and motion matters, and may exercise its discretion to disregard a late filed paper, pursuant to California Rules of Court, rule 3.1300(d).

When calculating filing deadlines for papers to be filed within a certain number of court days from a hearing date, parties should exclude court holidays.

**Court Reporting Services** - As a result of statewide budget reductions, official court reporters are no longer provided by the Court in proceedings for which such services are not legally mandated. These proceedings include civil law and motion matters. If counsel wish to have the hearing on their civil law and motion matter reported, they have two options:

- Elect to use the services of a private local court reporter that the Napa County Bar Association has arranged to be present for the duration of all scheduled law and motion hearing calendars. There is a fee paid by the party directly to the court reporter for this service, and arrangements for payment can be made on the day of the hearing. For further information about the Bar Association program including fees, [click here](http://napacountybar.org/court_reporting.php) ([http://napacountybar.org/court\\_reporting.php](http://napacountybar.org/court_reporting.php))
- Arrange for a private court reporter of their choosing to be present.

Attorneys or parties should confer with each other to avoid having more than one court reporter present for the same matter.

### **PROBATE CALENDAR – Dept. B (Historic Courthouse)**

**In re Strong Trust**

**26-57807**

PETITION FOR ORDER INSTRUCTING TRUSTEE TO TERMINATE TRUST AND COMPEL DISTRIBUTION OF TRUST ASSETS AND FOR WAIVER OF ACCOUNTING

**TENTATIVE RULING:** The petition is GRANTED as prayed.

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**Estate of Gillespie**

**26-56068**

AMENDED FIRST AND FINAL REPORT OF EXECUTOR ON WAIVER OF  
ACCOUNT AND PETITION FOR FINAL DISTRIBUTION AND FOR ALLOWANCE  
OF COMPENSATION TO ATTORNEYS FOR ORDINARY SERVICES

**TENTATIVE RULING:** The petition is GRANTED as prayed.

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**In re Peppers Family Trust**

**26-56329**

PETITION FOR APPROVAL OF SETTLEMENT AGREEMENT AND MUTUAL  
RELEASE OF ALL CLAIMS

**TENTATIVE RULING:** The petition is GRANTED as prayed.

**CIVIL LAW & MOTION – Dept. B (Historic Courthouse)**

**In re Reyes name change**

**26-57431**

PETITION FOR CHANGE OF NAME

**TENTATIVE RULING:** Notice has been properly published and no written  
objections have been filed. The petition for name change shall therefore be GRANTED  
without need for appearance.

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**Marshall v. LaMonica**

**26-53331**

(1) DEFENDANTS' PARTIAL MOTION FOR JUDGMENT NOTWITHSTANDING  
THE VERDICT

**TENTATIVE RULING:** Defendants' motion for judgment notwithstanding the  
verdict as to the jury's punitive damage award is GRANTED. The court finds that there  
was insufficient evidence from which the jury could have found that defendants acted  
with fraud, oppression, or malice, as required by Civil Code section 1942.5(f)(2). While  
the evidence presented at trial supports a finding of retaliation under section 1942.5, it did  
not satisfy the additional elements for an award of punitive damages.

(2) DEFENDANTS' MOTION FOR REDUCTION IN DAMAGES AWARDED BY  
JURY

**TENTATIVE RULING:** Plaintiff concedes that defendants' motion to reduce  
the jury's award under Civil Code section 1950.5 should be reduced from \$2500 to  
\$1800. Accordingly, that motion is GRANTED. In light of the court's ruling granting the  
defendants' partial motion for judgment notwithstanding the verdict, above, the motion to  
reduce the punitive damages awarded under section 1942.5(f)(2) is dropped, as moot.

